



Final Regulation Agency Background Document

Agency name	Board for Waste Management Facility Operators
Virginia Administrative Code (VAC) citation	18 VAC 155 -20
Regulation title	Waste Management Facility Operators Regulations
Action title	Amending
Date this document prepared	December 29, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The proposed amendments will make the following substantive changes:

1. Create a new license classification (Class V) for Municipal Solid Waste (MSW) composting facilities and move MSW composting from Class II to the new Class V.
2. Clarify that a waste management facility for which the Board has not established training and licensure requirements may be operated by a Class I licensee.
3. Require applicants using experience to substitute for a high school diploma to have obtained that experience during the seven years immediately preceding the date of application.
4. Require applicants to document at least one year of experience with a waste management facility in order to qualify for licensure.
5. Repeal language requiring facility specific training to have been completed after January 1, 1989 and language concerning the first renewal after May 1, 2000, which assigned a single expiration date to all classes of license held by a single individual.

6. Require license renewal applicants to state that they are in compliance with all Virginia and federal laws and regulations.
7. Amend the training course curriculum section to be more reflective of current technology and training needs; to amend Class II training to remove MSW composting requirements; and to create a new curriculum for Class V MSW composting.
8. Amend the “grounds for denial of application, denial of renewal or discipline” section to make renewing a license through fraudulent means or misrepresentation a ground for license denial and disciplinary action and to cite the provisions of Section 54.1-204 of the Code of Virginia pertinent to applicants with criminal convictions.

The following changes were made to the proposed regulations when the Board adopted a final regulation:

1. The proposal to create a new class of license for those operating Municipal Solid Waste (MSW) composting facilities was deleted in its entirety.
2. The proposal to amend the training course curriculum section to remove MSW composting requirement from the Class II curriculum and place them in a new curriculum for MSW composting was deleted in its entirety.
3. The proposal to require applicants to document one year of experience at a waste management facility as a new entry requirement was amended to clarify that the experience must be “operational” experience without regard to the nature of the applicant’s association with the facility.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Board for Waste Management Facility Operators adopted a final Waste Management Facility Operators Regulations by unanimous vote during its meeting on September 28, 2005.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 54.1-2211 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-2211>) mandates that the Board promulgate regulations and standards for the training and licensing of waste management facility operators, and that the Board consider an applicant’s prior experience in determining whether the applicant meets the training requirements established by regulation. Discretion is allowed only to the extent that the

Board may establish classes of training and licensing based upon the type of facility to be operated and may vary the training and licensing requirements for each facility class.

The imperative form of the verb “shall” is used in the statute making the rulemaking provisions mandatory rather than discretionary.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The subject matter of the amended regulations amendments is to continue to establish procedures and requirements for the licensure of individuals to operate waste management facilities in Virginia.

The intent of the amended regulations is to assure the existence of an infrastructure of trained and qualified individuals to operate waste management facilities in compliance with both federal and state regulations that have the protection of Virginia’s environment as their goal. All citizens benefit from properly operated waste management facilities that assure that the quality of our environment is protected and enhanced.

The amended regulations will continue the current regulatory program that establishes licensure requirements focused on approving only those applicants that clearly meet the minimum competency standards necessary to protect the public. This is accomplished by requiring facility specific training and experience as well as an examination. The training curriculum places emphasis on those aspects of facility operation that most directly affect the public and the environment. This includes familiarization with applicable federal and state regulations governing the approval and operation of facilities.

All waste management facilities must be approved for operation by the Department of Environmental Quality (DEQ) and, once approved, must operate under regulations promulgated by the boards under DEQ. All such facilities must be operated by an individual that has been issued a license by the Board. Licensed operators may be and have been disciplined by the Board for failing to operate their facilities in compliance with the various DEQ regulations. The training and examination provisions will continue to assure that facilities are properly operated and that disciplinary action may be taken against those that fail to assure proper operation.

The amended regulations are mandated by statute, and are essential to protect the health, safety and welfare of citizens and for the efficient and economical performance of an important governmental function.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The following is a summary of the final amendments to the Board's May 1, 2000 regulations:

Section 18 VAC 155-20-10 is amended to modify existing definitions.

Section 18 VAC 155-20-110 is amended to anticipate the future development and implementation of new waste management technologies that are not included in the current facility classification scheme and to implement the new Class V license for operators of MSW composting facilities.

Section 18 VAC 155-20-120 is amended to require that applicants using experience to substitute for high school graduation to obtain that experience during the seven years immediately preceding their application.

Section 18 VAC 155-20-120 is amended to add a new subdivision B 4 that requires all applicants for licensure as a waste management facility operator to document at least one year of operational experience with a waste management facility in order to qualify for a license. Subsequent subdivisions are renumbered.

Section 18 VAC 155-20-120 is amended to repeal the current subdivision 6 stating that the Board will accept facility specific training provided that it has been approved by the Board or was completed after January 1, 1989. This provision is outdated.

Section 18 VAC 155-20-160 A is amended to require those renewing their license to make a statement that they are in compliance with all facility specific operator training and examination requirements of federal and Virginia laws and regulations and of the facility operating permits.

Section 18 VAC 155-20-160 is amended to repeal the current subsection B 4 establishing the manner in which license classifications are indicated on the license beginning on May 1, 2000. This provision is outdated. Subsequent subsections are renumbered.

Section 18 VAC 155-20-220 is being amended as follows:

Subdivision B 12 is amended to add the names of the State Water Control Board and the State Air Pollution Control Board to the agencies whose regulations must be covered in the basic training course.

Subdivision B 14 is amended to add instruction in the identification of unauthorized wastes to the basic training course. Subsequent subdivisions are renumbered.

Subdivision B 18 h is amended to add instruction in yard waste composting to the basic training course. Subsequent subdivisions are renumbered.

Subdivision C 3 is amended to change the catch line from “solid waste disposal standards” to “sanitary landfills.”

Subdivision C 3 a, “general standards for sanitary landfills,” is repealed and the subsequent subdivisions renumbered.

Subdivisions C 3 e, f and j are moved to subdivision C 8 as a, b and c with rephrasing. Subsequent subdivisions are renumbered.

Subdivision C 3 g is amended to add “and landfill gas recovery systems” and renumbered as C 3 d.

Subdivision C 3 g is added to include instruction covering large landfill air operating permits.

Subdivision C 7 is amended to add subdivisions a, b and c to specify that instruction must include information concerning solid waste, air, Virginia Pollution Discharge Elimination System (VPDES) permits, and related water and wastewater permits.

Subdivision D 2 is amended to move subdivisions b and e to a new subdivision 8 concerning financial assurance documentation. Current subdivision b is being rephrased from “financial assurance requirements” to “financial assurance documentation” and made subdivision 8. Current subdivision e is rephrased from “closure requirements” to “closure regulations” and made subdivision 8 a. “Corrective action” is added to subdivision 8 as a new requirement.

Subdivision D 5 is amended to include instruction in “facility air operating permits” as subdivision d. Current subdivision d is renumbered as subdivision e.

Subdivision D 7 is a new subdivision to include instruction in “medical waste combustor regulations.”

Subdivision D 8 is a new subdivision that contains the substance of current subdivision D 2 b.

Subdivisions E 9, 10, 11, 12 and 13 are added to include instruction in:

- Virginia pressure vessel regulation;
- Air pollution control regulations for waste combustors;
- Facility air operating permits;
- Plant operations, including thermal fluids theory and boiler plant operations; and
- Financial assurance documentation, including closure regulations and corrective actions.

Section 18 VAC 155-20-280 A 1 is amended for clarity.

Section 18 VAC 155-20-280 A 2 is amended to make clear that disciplinary action is authorized for fraud or misrepresentation in license renewal as well as initial application.

Section 18 VAC 155-20-280 A 4 is amended to add a reference to Section 54.1-204 of the Code of Virginia, which establishes the Board authority to deny licensure to applicants with criminal records.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
 - 3) other pertinent matters of interest to the regulated community, government officials, and the public.*
- If there are no disadvantages to the public or the Commonwealth, please indicate.*

The amendment of the definitions in 18 VAC 155-20-10 will benefit the public and the Commonwealth by providing clarity of the terms used in the text. No disadvantage has been identified.

The proposed amendment of subdivision A 1 of 18 VAC 155-20-110 and the addition of subdivision A 5 that required a composting facility receiving municipal solid waste (MSW) to be operated by a Class V licensee and allowing those holding a Class V license to also operate a Class I facility was deleted when the regulation was made final. The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result. No disadvantage that will result from maintaining the status quo has been identified.

The addition of subsection C to 18 VAC 155-20-110 will benefit the public and the Commonwealth by placing all new technology waste treatment that does not fall into one of the four existing classes into Class I. Currently an emerging technology could be of such a nature that it would fall into NONE of the existing classifications. As proposed, that problem will be addressed by assigning all such new technologies to Class I. The innovators of the new technology will avoid delays in implementation while the Board develops regulation revisions to accommodate their innovation. The public and the Commonwealth will benefit by the oversight provided by a Class I operator, who has a basic level of knowledge and is capable of assuring environmental compliance as the new technology is implemented. New regulations promulgated to deal with the new technology will be implemented in a manner that allows adequate opportunity for compliance by the operators of the new technology. No disadvantages to the public or the Commonwealth have been identified.

The addition of language to subdivision B 3 in 18 VAC 155-20-120 will benefit the public and the Commonwealth by providing that applicants using experience to substitute for high school graduation must have obtained that experience during the seven years immediately preceding their application. Experience more than seven years old would not have been obtained in the current regulatory and facility operation environment and is not viewed by the Board to be of

sufficient value to substitute for the education requirement. No disadvantage to the public or the Commonwealth has been identified.

The addition of new language to subdivision B 4 in 18 VAC 155-20-120 will benefit the public and the Commonwealth by providing a year of operational experience at a waste management facility as an entry requirement for license applicants. Currently one may qualify for a license to be the operator in charge of a waste management facility by completing training and passing an examination. Absent the experience requirement, an operator may have no practical exposure to or knowledge of the operation of a waste management facility and may allow environmental hazards to occur. The hazards could occur, not as a result of the operator's inadequate knowledge of the requirements, but as a result of his inadequate practical experience with waste stream dynamics. He may allow something to occur simply because he does not recognize the hazard or lacks the practical experience to know what to look for to avoid hazards. The Board views the public to be potentially at risk and views the year of operational experience at a waste management facility to be the absolute minimum that will address the hazard. No disadvantages to the public or the Commonwealth have been identified.

The repeal of the existing subdivision B 6 of 18 VAC 155-20-120 and of the existing subsection B of 18 VAC 155-20-160 are housekeeping in nature. Both represent provisions necessary to implement then new requirements. The requirements are in place and the existing language has no practical force or effect. The repeal will benefit the public and the Commonwealth by removing obsolete language. No disadvantage to the public or to the Commonwealth has been identified.

The amendment to create a new subsection G in 18 VAC 155-20-120 to implement the entry requirements for Class V licenses and, thereby, a new license classification for MSW composting was rejected by the Board. The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result. No disadvantage that will result from maintaining the status quo has been identified.

The amendment to subsection A of 18 VAC 155-20-160 requires those renewing their license to make an affirmative statement that they are in compliance with the training and examination requirements of law and regulation and of the facility operating permit. Some facilities have requirements for post-licensure operator training and examination. The advantage to the public and to the Commonwealth is that those who fail to comply and make a false statement when renewing their license are subject to discipline by the Board. No disadvantage to the public or to the Commonwealth has been identified.

The amendments to 18 VAC 155-20-220 update and clarify the training required for each class of licensure and were adopted as final regulation by the Board. The proposal to add subsection F creating a training course curriculum for Class V, municipal solid waste composting was rejected by the Board before the final regulation was adopted. The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result. No disadvantage that will result from maintaining the status quo has been identified.

The amendments to 18 VAC 155-20-280 clarify the Board’s disciplinary authority. The public and the Commonwealth benefit from the Board’s ability to discipline those that endanger the public or the environment by failing to comply with the regulations. No disadvantage to the public or to the Commonwealth has been identified.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
18 VAC 155-20-10	Amend the definition of Class II license to delete “a facility which composts municipal solid waste” to facilitate a separate class of license for MSW composting facilities.	The language proposed for deletion was retained.	The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result.
18 VAC 155-20-10	Add a definition of Class V license to facilitate a separate class of license for MSW composting facilities	The language proposed was deleted.	The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result.
18 VAC 155-20-10	Add a definition of municipal solid waste to facilitate a separate class of license for MSW composting.	The definition was retained even though the creation of a new class of license for MSW composting was rejected.	The definition cites the definition in the regulations of the Department of Environmental Quality regulations and adds clarity to the Board’s regulations as the term continues to be used.
18 VAC 155-20-110 (A) (1)	Add language to implement a new class of license for MSW composting facilities.	The language proposed was deleted.	The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result.
18 VAC 155-20-110 (A) (5)	The subdivision was added to implement a new class of license for MSW composting facilities	The language proposed was deleted.	The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would

			result.
18 VAC 155-20-120 (B) (4)	The subdivision was proposed to require one year of experience with a waste management facility to qualify for a license.	The subdivision was amended to insert the word “operational.”	To clarify that experience actually operating the facility is necessary to qualify for a license.
18 VAC 155-20-120 (G)	The subsection was proposed to create a new class of license for MSW composting facilities.	The language proposed was deleted.	The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result.
18 VAC 155-20-220 (C) (a)	The subdivision was proposed for deletion to facilitate the creation of a new class of license for MSW composting.	The proposed deletion was reinstated.	The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result.
18 VAC 155-20-220 (F)	The subsection was proposed to implement a new class of license for MSW composting facilities.	The language proposed was deleted.	The public comment opposed the creation of a new class of license for MSW facilities and cited possible hazards to the public that likely would result.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
Jeffrey M. Smithberger Director Division of Solid Waste Collection and Recycling Fairfax County Department of Public Works and Environmental Services 12000 Government Center Parkway, Suite 466	Opposes the creation of a separate license classification for Municipal Solid Waste Composting facilities: There are few MSW composting operations (two known) in the Commonwealth and there do not appear to be many in the permitting process already established by the Virginia DEQ. Further, to be considered, these facilities would need to be “planned” in localities’ solid Waste Management Plans, leading to an easy way to confirm the future of the process.	The Board appreciates Mr. Smithberger’s view that there are few MSW composting facilities in operation; that the costs to develop an MSW composting examination will increase the costs to all applying for licensure; and that there may be hazards present at an MSW composting facility requiring the knowledge of a Class II operator. The Board notes that there is no strong support for the proposed new license classification and that there is strong and compelling opposition voiced by the public. Especially compelling is the

<p>Fairfax, Virginia 22035-0060</p>	<p>Establishing an examination for the proposed new classification will increase the overall license fees across all classes. This is a strong negative deterrent to those considering licensure and will also increase costs to governmental units who reimburse employees who must obtain the license.</p> <p>Licensing for this activity should be a Class II activity. The hazards associated with MSW are substantially the same at various facilities that process MSW. Since MSW Composting “stores” waste for some period of time the Class II license already covers hazards to groundwater and surface water, along with the physical hazards of the material. The public will be best served by operators who have a greater overall knowledge of the Class II details, rather than a narrow focus toward specific infrastructure.</p> <p>Opposes the requirement that license renewal applicants state that they have in compliance with all Virginia and federal laws and regulations:</p> <p>It is probably the intent of the Board to desire compliance from applicants that they are complying with regulatory requirements of facilities that they operate. However, such a broad statement would seem to preclude an applicant who was ticketed for speeding or other minor infractions not associated with facility management. Technically, the applicant at some point was not in compliance with a Virginia regulation if found guilty of any other infraction (speeding), no matter if related to solid waste facility operation or not.</p>	<p>comment concerning the clear potential hazard from MSW composting facilities operated by an individual not trained in the hazards to groundwater and surface water as well as the physical hazards resulting from improper waste handling.</p> <p>The Board also notes that there is clearly no threat or hazard to the public and that the public health is clearly protected under the current regulation provisions.</p> <p>For these reasons, the Board voted to remove from its proposed regulations all language establishing a separate license class for Municipal Solid Waste Composting facilities before adopting a final regulation.</p> <p>The proposal does not require that a speeding ticket be reported as a part of the renewal process. Rather, that the renewal applicant state that he is in compliance with all <i>facility-specific</i> training and examination requirements of Virginia and federal law and regulations, and of the facility operating permit.</p> <p>This requirement remains in the final regulation adopted by the Board.</p>
<p>Leonard E. Joyce, Jr., P.E. Joyce Engineering, Inc 1604 Ownby</p>	<p>Opposes the proposed requirement that all applicants have at least one year of experience with a waste management facility in order to qualify for a license.</p>	<p>The Board appreciates Mr. Joyce’s concern but feels that actual hands-on experience operating a waste management facility is necessary in addition to the classroom training. The</p>

<p>Lane Richmond, VA 23220</p>	<p>It is unreasonable that everyone has to have one year of experience with a waste management facility to qualify for licensure. We encourage our environmental and engineering employees to take these classes and become certified Waste Management Facility Operators. If this amendment passes, most likely none would qualify. In our business, we need to have certified Class II employees who consult with and assist our clients' landfills in this capacity when this urgent need arises. This amendment would inhibit us from being able to provide these services to our clients.</p>	<p>Board strongly feels that classroom training alone is insufficient to assure operator competence and public protection.</p> <p>The Board amended this provision to focus on "operational" experience with a waste management facility. The provision is not limited to those with direct employment by a facility. Rather, recognizes facility operational experience obtained by an applicant regardless of the nature of his association with the facility.</p> <p>The experience requirement, with amendment, remains in the final regulation adopted by the Board.</p>
<p>Alex Eugene Wilson 7814 Liberty Springs Circle Alexandria, VA</p>	<p>"I oppose for 54.1-204 of the Code of Virginia pertinent to applicants with criminal convictions."</p>	<p>The Board thanks Mr. Wilson for expressing his concern, however, § 54.1-204 of the Code of Virginia specifically sets standards for the Board to follow when considering applicants with criminal conviction records. The Board has no authority to change a provision of Virginia law.</p>
<p>Chris Hurley Tazewell County Landfill 106 E. Main Street Tazewell, VA 24651</p>	<p>Asked if the proposed amendments meant that a Class II cannot run a composting facility.</p> <p>Experience substitute for diploma sounds good.</p>	<p>The proposed amendments intend to create a separate license classification for MSW composting. Those holding valid Class II licenses on the effective date of the regulations will be issued a Class V (MSW composting facility) license automatically. Those obtaining a Class II license after that date will not be authorized to operate an MSW composting facility without first obtaining a Class V license.</p> <p>The Board deleted the language establishing the MSW license class when it adopted its final regulation.</p> <p>The current regulations allow experience to be substituted for a diploma. The proposed amendment requires that the experience be obtained within the preceding seven years. No change was made to this proposal when the Board adopted its</p>

	<p>“One year experience – as long as DEQ will allow you to wait that long.</p> <p>The testing for the regs should be in more normal reading than lawyer form.</p>	<p>final regulation.</p> <p>The Board has no control over how long DEQ will wait for a waste management facility to obtain the services of a licensed waste management facility operator. No change was made to this proposal when the Board adopted its final regulation.</p> <p>The training course curriculum, as well as the regulation in its entirety, is written in language intended to be clear and unambiguous, as the Board’s regulations have the force of law. Every effort has been made to make the language as easy to understand as possible. No change was made to this proposal when the Board adopted its final regulation.</p>
<p>Amarjit S. Riat, PE, Technical Committee Chairman, Solid Waste Association of North America, Virginia Chapter, 8090 Villa Park Drive Richmond, VA 23228</p>	<p>Proposal to create a new license classification (Class V) for Municipal Solid Waste (MSW) composting facilities:</p> <p>The Technical Committee would like to ask that the Board drop this proposed change.</p> <p>Reasons: 1) Licensing for this activity (MSW Composting) should be a Class II activity. The hazards associated with MSW are substantially the same at various facilities that process MSW. Since MSW Composting “stores” waste for some period of time the Class II license already covers hazards to groundwater and surface water, along with the physical hazards of the material. The public will be best served by operators who have a greater overall knowledge of the Class II details, rather than a narrow focus toward specific infrastructure.</p> <p>At a minimum, if the Board does not agree. We do support the concept of approving existing Class II operators to allow them the flexibility of operating such sites. However, we would not agree that</p>	<p>The Board appreciates Mr. Riat’s view, expressed on behalf of the Virginia Chapter of SWANA, that the hazards associated with MSW composting are substantially the same as those found at any facility that processes MSW and that the storing of MSW at MSW composting facilities can create hazards such that a Class II operator may be necessary.</p> <p>The Board notes that there is no strong support for the proposed new license classification and that there is strong and compelling opposition voiced by the public. Especially compelling is the comment concerning the clear potential hazard from MSW composting facilities operated by an individual not trained in the hazards to groundwater and surface water as well as the physical hazards resulting from improper waste handling.</p> <p>The Board also notes that there is clearly no threat or hazard to the public and that the public health is clearly protected under the current regulation provisions.</p> <p>For these reasons, the Board voted to remove from its proposed regulations all language establishing a separate</p>

	<p>they would need or require double the continuing education credit hours if holding two licenses.</p> <p>Proposal to require license renewal applicants to state that they are in compliance with all Virginia and federal laws and regulations.</p> <p>We would request that the Board not adopt such a broad and sweeping statement.</p> <p>Reasons: The way that the current statement is proposed it may be impossible to determine or delineate what law or violation would prohibit license renewal. It is probably the intent of the Board to desire compliance from applicants that they are complying with regulatory requirements of facilities that they operate. However, such a broad statement would seem to preclude an applicant who was ticketed for any minor infractions not associated with facility management. Technically, the applicant at some point was not in compliance with a Virginia regulation if found guilty of a parking ticket, no matter if related to a solid waste facility operation or not. Some statement to the material applicability to the operation of the facility is needed.</p> <p>Lastly, while not specifically related to the proposed changes. Holders of this license class have expressed a desire to have certificates, similar to those of other license classifications, notably the Professional Engineer license. What, if anything can the Board do to initiate such certificates to new and existing license holder, such as an additional charge for those who desire the certificate. Again, for many in this class, this license is the culmination of the highest level of certification they have ever achieved, and a wallet-card does not seem to convey to their peers or the public the dedication they have</p>	<p>license class for Municipal Solid Waste Composting facilities before adopting a final regulation.</p> <p>The proposal does not require that a ticket be reported as a part of the renewal process. Rather, that the renewal applicant state that he is in compliance with all <i>facility-specific</i> training and examination requirements of Virginia and federal law and regulations, and of the facility operating permit.</p> <p>No change was made to this proposal when the Board adopted its final regulation.</p> <p>Issuance of a “wall certificate” does not require a regulation amendment.</p>
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Note: No comments were received during the Public Hearing held on August 11, 2005 and no comments were received on the Town Hall.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
18 VAC 155-20-10	N/A	Defines the term "Class II license" as it is used in the regulations.	The proposed amendment to the definition was deleted in the final regulation as the result of public comment opposed to the creation of a new class of license for MSW composting facilities and the cited possible hazards to the public that likely would result.
18 VAC 155-20-10	N/A	Defines the term "Class V license" as it is used in the regulations.	The proposed amendment to the definitions was deleted in the final regulation as the result of public comment opposed to the creation of a new class of license for MSW composting facilities and the cited possible hazards to the public that likely would result.
18 VAC 155-20-10	N/A	Defines the term "municipal solid waste" as it is used in the regulations.	The proposed amendment to the definition was retained in the final regulation as it defines a term currently used in the regulations. Retaining the definition adds to clarity.
18 VAC 155-20-110 (A) (1)	N/A	Proposed language to create a new class of license for MSW composting facilities.	The proposed amendment to create the new class of license for MSW composting facilities was deleted in the final regulation as the result of public comment opposed to the creation of a new class of license for MSW composting facilities and the cited possible hazards to the public that likely would result.
18 VAC 155-20-110 (A) (5)	N/A	Proposed language to create a new class of license for MSW composting facilities.	The proposed amendment to create the new class of license for MSW composting facilities was deleted in the final regulation as the result of public comment opposed to the creation of a new class of license for MSW composting facilities and the cited possible hazards to the public that likely would result.
18 VAC 155-20-120 (B)	N/A	Proposed language to require one year of experience with a waste	The proposed amendment was amended to add the word "operational" to clarify that only operational experience would be recognized

(4)		management facility to qualify for a license	when the final regulation was adopted.
18 VAC 155-20-120 (G)	N/A	Proposed language to create a new class of license for MSW composting facilities	The proposed amendment to create the new class of license for MSW composting facilities was deleted in the final regulation as the result of public comment opposed to the creation of a new class of license for MSW composting facilities and the cited possible hazards to the public that likely would result.
18 VAC 155-20-220 (C) (a)	N/A	The subdivision was proposed for deletion to facilitate a new class of license for MSW composting.	The proposed amendment to create the new class of license for MSW composting facilities was deleted and the current language was reinstated in the final regulation as the result of public comment opposed to the creation of a new class of license for MSW composting facilities and the cited possible hazards to the public that likely would result.
18 VAC 155-20-220 (F)	N/A	The subsection was proposed to facilitate a new class of license for MSW composting.	The proposed amendment to create the new class of license for MSW composting facilities was deleted in the final regulation as the result of public comment opposed to the creation of a new class of license for MSW composting facilities and the cited possible hazards to the public that likely would result.

The Board’s vote to delete the proposed amendments establishing a separate license classification for MSW composting facility operators from its final regulation was unanimous and based on the public comment opposed to the new classification for public safety reasons. The Board found the reasons for opposition to be compelling. There was no public comment supporting a new classification for MSW composting facility operators.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The final regulations do not establish reporting requirements on businesses of any size. The final regulations do not establish schedules of deadlines for compliance or reporting requirements for businesses of any size and, therefore, cannot simplify compliance or reporting requirements. The final regulations do not establish performance standards for small businesses to replace design or operational standards required in the proposed regulations. The final regulations apply to individuals and not to businesses of any size.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

No family impact has been identified.